



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

MINUTES

STATE WATER CONTROL BOARD

March 25, 2003 - General Assembly Building
9th and Broad Streets
Richmond, Virginia

Board Members Present:

Hunter E. Craig, Chairman
H. Preston Futrell, Jr.
Katherine E. Slaughter
Leroy O. Pfeiffer, Jr.

Gary H. Baise, Vice-Chairman
Carol C. Wampler
Karl F. Wenger

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:00 a.m. on Tuesday, March 25, 2003, recessed at 11:35 a.m., reconvened at 12:20 p.m., recessed at 2:20 p.m., reconvened at 2:40 p.m. and adjourned at 4:00 p.m.

Approved Minute # 2
June 19, 2003



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

MINUTE NO. 1 - Minutes

The Board approved the Minutes from the January 6, 2003 meeting.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF MARCH 25, 2003


MINUTE NO. 2 - Permit Terminations

Martin G. Ferguson, Jr., Director of the Water Permits Program of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of six VPDES permits and one VPA permit.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for:

Twin Lakes Campground WWTP No. 1	VA0023884
Twin Lakes Campground WWTP No. 2	VA0079596
Twin Lakes Campground WWTP No. 3	VA0079600
Patrick Henry High School Lagoon	VA0022641
Thomas Dale West	VA0020206
Crown Central Petroleum	VA0055948
Senagro - Tyson Foods Residuals	VPA00541


Martin G. Ferguson, Jr.
Director, Water Permits Program



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

MINUTE NO. 3 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending December 2002. The facilities and their reported instances of noncompliance were:

1. City of Alexandria, Alexandria STP - Failure to meet effluent limits
2. U.S. Marine Corps, Mainside WWTP – Failure to meet effluent limit and compliance schedule violation
3. Omega Protein, Inc., Omega WWTP – Failure to meet effluent limits
4. Perdue Farms, Inc., Perdue WWTP – Failure to meet effluent limits

The Board accepted the report.


Kathleen F. O'Connell
Water Enforcement Program Manager



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

West Central Regional Office
3019 Peters Creek Road, Roanoke, Virginia 24019
Telephone (540) 562-6700, Fax (540) 562-6725
www.deq.state.va.us

Robert G. Burnley
Director

Steven A. Dietrich
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

MINUTE NO. 4 - West Central Regional Office Consent Special Order

Steven A. Dietrich of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order Amendment for Ms. G. U. Webb - Doyle Mobile Home Park.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Order Amendment for:

Ms. G. U. Webb - Doyle Mobile Home Park
2. Authorize the Director or his designee to sign the Amendment on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Amendment to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script that reads "Steven A. Dietrich".

Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE
4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
www.deq.state.va.us

Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON MARCH 25, 2003

MINUTE NO. 5 - Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Omega Protein Inc., Harbour East Village, Barbara Camp, and Royster-Clark.

Omega Protein has reported effluent violations of cyanide, ammonia, and BOD on DMRs for the June through December 2002 monitoring periods. In addition Omega failed to report total phosphorous and total nitrogen on the DMR for May 2002. Omega will not be able to meet cyanide limits and the source of cyanide exceedances are unknown. There is data that indicates there is a background cyanide issue in Cockrell's Creek. During an inspection in October 2002, DEQ noticed there was seepage around the facility's lagoon berm. Based on the Department's compliance recommendations, Omega has begun repairing the lagoon by installing a clay liner. In February 2003, during a review of the facility's toxicity results, the Department discovered that toxicity tests at outfall 006 are not in compliance with Part I C.1.b.(1) of their permit because they did not meet proper holding times and they used the wrong organism. This made 4 out of 6 tests invalid. The new proposed permit increases the frequency of analysis from yearly to quarterly. The proposed Order requires Omega Protein to conduct studies to determine the cyanide source, and to take the appropriate actions to eliminate the cyanide source and to repair the leaking lagoon. The Order also includes payment of a \$11,000 civil charge.

Harbour East Village owns and operates a sewer treatment plant (STP) in Chesterfield County, Virginia. This facility is the subject of VPDES Permit No. VA0028622, which allows Harbour East Village to discharge treated wastewater into the James River in strict compliance with terms, limitations and requirements outlined in the permit. On October 24, 2001, Department staff found deficiencies during an inspection of the Harbour East Village STP. On January 15, 2002, Department staff conducted a follow up inspection of the STP. The facility's condition was unsatisfactory and staff made several compliance recommendations. On January 28, 2002, Harbour East Village was issued an NOV for improperly completed discharge monitoring reports (DMRs), failure to submit three quarterly progress reports on chlorine compliance, failure to submit DMRs,

and effluent violations of BOD, chlorine, and ammonia. On April 10, 2002, Harbour East Village was issued an NOV for failing to submit January and February 2002 DMRs, failure to respond to compliance recommendations after two inspections, failure to report an intentional bypass, and failure to submit a quarterly progress report on chlorine compliance. The proposed Order requires Harbour East Village to complete a diagnostic evaluation of the treatment plant and submit a corrective action plan detailing either operation and maintenance procedures to be implemented or construction plans for an upgrade. The Order also includes payment of a \$1,000 civil charge. The civil charge was reduced from \$4,500 to \$1,000 based on an inability to pay a determination.

On January 30, 1996, a petroleum release occurred from three USTs owned by Barbara Camp, which were in the process of being removed from the facility. DEQ issued a letter on February 1, 1996, asking for an initial abatement measures report for the release. DEQ received a letter from the Camps on July 2, 1996, which stated that they had removed USTs from the property and that they did not witness a release during the tank pull. On July 25, 1996, the Department issued a NOV to the Camps for failure to undertake appropriate initial abatement measures a violation of 9 VAC 25-580-250 and failure to provide a complete site characterization report a violation of 9 VAC 25-580-260. On January 8, 1997, Department samples confirmed high levels of petroleum were present adjacent to the former gasoline dispensing islands. On January 28, 1997, the Department issued another NOV to Barbara Camp for failure to undertake appropriate initial abatement measures and failure to provide a site characterization report. On July 21, 1997, Department personnel met with Barbara Camp on July 21, 1997, and sent letters on February 17, 1999, July 30, 1999, and May 21, 2002. On August 6, 2002, the Department met with Barbara Camp to discuss the corrective actions necessary to comply with the Underground Storage Tank Regulations and she agreed to bring the facility into compliance. The proposed Order requires Barbara Camp to submit a site characterization report and undertake abatement measures. The Order also includes payment of a \$6,300 civil charge.

Royster-Clark owns and operates a fertilizer storage and transportation facility known as Petersburg AgriTerminal in Prince George, Virginia. On April 5, 2002, DEQ received notification that Royster-Clark was discharging stormwater that had collected inside the bermed area of their tank farm. On April 9, 2002, DEQ personnel visited the site and discovered evidence of a discharge with environmental impact. On April 30, 2002, DEQ conducted a macroinvertebrate assessment which confirmed impacts to the aquatic community in the receiving stream. The proposed Order requires Royster-Clark to apply for a permit. The Order also includes payment of a \$15,400 civil charge.

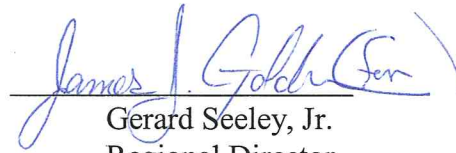
Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for :

Omega Protein
Harbour East Village
Barbara Camp
Royster-Clark

2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

MINUTE NO. 6 - VRO - Consent Order

Mr. R. Bradley Chewning, Valley Regional Office Regional Director, made a staff presentation and the staff recommendation concerning a proposed VRO Consent Special Order for the Town of Middletown.

The Permit, issued on September 30, 1996, contained a four-year schedule of compliance to meet ammonia limitations. The Town demonstrated that the STP apparently could meet limits without upgrading the plant. However, DEQ repeatedly found deficiencies with the Town's ammonia test procedures and after the Town took corrective action to address the testing deficiencies, the STP began to experience chronic difficulty complying with the Permit's effluent limitations for ammonia. DEQ issued a Notice of Violation on July 2, 2002.

The Order requires Middletown to upgrade the plant to meet final effluent limitations contained in the Permit, contract out ammonia testing, and pay a civil charge of **\$5,530**. The public notice period for the proposed Consent Order was completed on March 12, 2003, and no adverse public comment was received.

Board Decision

Based on the staff presentation and recommendation, the Board voted six to one (Dr. Wenger voted no) to:

1. approve the Consent Special Order for the Town of Middletown;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script, reading "R. Bradley Chewning", is written over a horizontal line.

R. Bradley Chewning, P.E.
Regional Director, Valley Regional Office



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
www.deq.state.va.us

Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

MINUTE NO. 7 - Consent Special Order

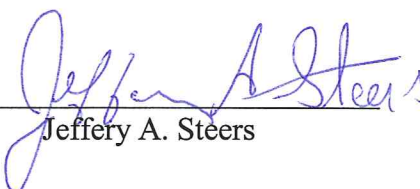
The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented one proposed Consent Special Order for the Board's consideration.

Ms. Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Order for the Land Or' Utility Company's sewage treatment plant ("STP") owned and operated by AquaSource Utility, Inc. The Order's purpose is to provide for improvements to the STP that ensure consistent compliance with final Permit effluent limits. The Order requires that AquaSource complete construction of the upgrade to the STP, including improvements to the STP's aeration system, by June 1, 2003 and pay a civil charge of \$1,820. Following the presentation, Ms. Crosier made the staff recommendation regarding the proposed Order.

Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Order regarding the Land Or' Utility Company, Inc. sewage treatment plant;
2. Authorize the Director or his designee to sign the Order on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the Order to the Office of the Attorney General for appropriate legal action.


Jeffery A. Steers



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Excerpt from the Proceeding of the State Water Control Board
At its Meeting on March 25, 2003**

Minute No. 8 - Issuance of VPDES Permit VA0080527, South Wales Utility STP - Culpeper County

This agenda item involved the reissuance of the permit for the proposed South Wales Utility STP, in Culpeper County. Staff from the Northern Regional Office provided the comments received from the public during the public comment period and public hearing, provided responses to each comment, and made recommendation to the Board. Staff recommended that the Board issue the permit as it was originally drafted with one modification, that effluent limits for fecal coliform be replaced with limits for E. coli in accordance with recent changes to the water quality standards.

Board Decision

Six members of the Board voted in favor of staff's recommendation and one member abstained.



Regional Director
Northern Regional Office



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Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
www.deq.state.va.us

Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON March 25, 2003

MINUTE NO. 9 – TRO Consent Special Orders Town of Cape Charles Ecolochem, Inc. Yorktown Naval Weapons Station

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning three consent special orders with civil charges.

Town of Cape Charles

9 VAC 25-580-60(1) requires that by December, 1998, all existing underground storage tanks ("USTs") must either be upgraded to comply with new performance standards or be closed out in accordance with the Regulations. On May 16, 2000, DEQ staff inspected five USTs servicing emergency generators in Cape Charles. The USTs were not in compliance with the following requirements of the UST: Technical Standards and Corrective Action Requirements (9 VAC 25-580-10 et seq.): Spill Prevention; Overflow Prevention; and, Cathodic Protection.

The order requires the Town to complete closure of the USTs by May, 2003 and submit all required documentation by July, 2003. The proposed civil charge is \$5,218. \$218 of the civil charge is due within 30 days, the remaining \$5,000 is to be offset by the completion of a SEP. The proposed SEP to be performed by Cape Charles is the stabilization of shoreline in the Cape Charles Harbor for the purpose of protecting and preserving adjacent tidal wetlands.

No comments were received during the public comment period.

Ecolochem, Inc.

Ecolochem, Inc. (Ecolochem) is a manufacturing operation consisting of the regeneration of ion exchange resin used in the process of demineralization of water supplies for industrial applications. The permit establishes a limit of 1.0 TU-A for whole effluent toxicity (WET). In December 2001 and February 2002, Ecolochem reported 1.44 TU-A and 1.5 TU-A, respectively. Ecolochem reports that both discharges were due to sensor relay failures. On June 12, 2002, TRO issued Ecolochem a notice of violation for exceeding the WET permit limits.

Ecolochem implemented corrective actions which included: (1) recalibrating the sensor in December 2001; (2) purchasing and utilizing a new calibration standard of 15,000 mg/L instead of the 30,000 mg/L calibration standard; (3) purchasing and installing a new relay computer in February 2002; (4) increasing the frequency of checking the calibration standard to once a week; (5) monitoring total dissolved solids continuously; and (6) acquiring a new improved sensor, which is less susceptible to fouling by suspended solids.

The Board had concerns regarding the harm to the environment caused by these permit effluent violations. Staff explained that Ecolochem submitted a study with evidence indicating little or no harm is caused to the receiving stream when WET levels exceed Ecolochem's permit effluent limits by a certain margin. The evidence shows that environmental harm decreases dramatically when other factors such as mixing zones and the current condition of the receiving stream are included when determining the effect of WET on the environment. DEQ staff reviewed Ecolochem's results and agreed that their discharge is causing little or no harm to the receiving stream.

No comments were received during the public comment period. The order requires Ecolochem to pay a civil charge of \$1,000.

Yorktown Naval Weapons Station

Sometime before May 6, 2002, a sewer line at the Yorktown Naval Weapons Station became blocked and approximately 30,000 gallons of raw sewage overflowed from a manhole and drained into a down gradient storm drain fifteen feet away. The storm drain carried the sewage into Skiffes Creek and the Skiffes Creek reservoir, a drinking water reservoir serving the City of Newport News. The overflow was reported on a Monday morning but was believed to have occurred over the weekend. The overflow was properly reported to DEQ but Newport News Waterworks was not properly notified of the incident. A second overflow occurred from the same manhole on June 3, 2002 and approximately 500 gallons of sewage were released. The cause was another line blockage.

The proposed order requires the Navy to repair the line where the discharge occurred, submit a plan for maintaining grease traps, submit a plan for cleaning sewer lines, inspect

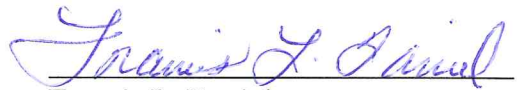
sewer lines by closed circuit television, and submit a plan for correcting any problems identified in the inspected sewer lines. Federal facilities are not subject to civil charges.

No comments were received during the public comment period.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the consent special orders for the Town of Cape Charles, Ecolochem, Inc., and the Yorktown Naval Weapons Station;
2. Authorize the Director or his designee to sign the orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of the orders to the Attorney General's Office for appropriate legal action.



Francis L. Daniel

Director, Tidewater Regional Office



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Virginia Beach, VA 23462
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Tidewater Regional Director
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON March 25, 2003

Minute No. 10 – TRO Consent Special Order **Baymark Construction Corporation**

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning a consent special order with civil charge for the Baymark Construction Corporation.

On August 22, 2000 DEQ issued Virginia Water Protection Permit #93-0149 to Baymark Construction Corporation for a dredging project associated with the construction of the Kings Creek Marina. Part I.F.1 of the Permit requires that DEQ be notified in writing 10 days in advance of the start of the dredging and 10 days after completion of the work. Part I.F.3 of the Permit specifies that the maximum depth of the dredging is -8.0 feet mean low water. Part I.F.18 of the Permit requires that a post-dredge survey be submitted within 30 days of the completion of each dredging event.

Baymark finished dredging sometime in December, 2001. DEQ was informed of the dredging completion upon receipt of the post dredge survey on April 17, 2002. The post-dredge survey indicates that the maximum dredging depth was exceeded in the majority of the basin by approximately 1 foot.

A consent special order for Baymark with a proposed penalty of \$980 was presented to the Board at the January 6, 2003 State Water Control Board Meeting. The Board voted to direct the staff to renegotiate the order with a penalty between \$5,000 and \$10,000. The proposed order requires the owner to comply with their permit and pay a civil charge of \$5,000.

No comments were received during the public comment period.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the consent special order for the Baymark Construction Corporation;
2. Authorize the Director or his designee to sign the order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the order to the Attorney General's Office for appropriate legal action.



Francis L. Daniel
Director, Tidewater Regional Office



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PIEDMONT REGIONAL OFFICE

4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
www.deq.state.va.us

Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON MARCH 25, 2003

MINUTE NO. 11 - Consent Special Order with Penalty Settlement

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlement for Honeywell International Inc., which had been carved out for discussion from the other Piedmont Regional Office Orders presented for approval.

The Department issued VWP Permit No. 99-F0233 (the Permit) to Honeywell International Inc. in January 2000, to hydraulically maintenance dredge an existing intake channel located in the James River. Dredging activities began in August 2001. A post-survey report commissioned by Honeywell, determined that the dredging had not removed all material allowed by the Permit. In October 2001, Honeywell contacted DEQ to confirm that it was permissible to re-dredge in November 2001 in order to reach the depth allowed in the Permit. DEQ staff agreed to the re-dredging provided the Permit limits were not exceeded and reminded Honeywell to submit the post-dredge survey report and the past due water quality report. Honeywell requested and DEQ staff agreed to allow Honeywell to submit reports from the two dredging events within the deadlines for the second dredging cycle to take place in November 2001. In March 2002, DEQ staff had not received the reports from Honeywell and contacted Honeywell concerning the overdue reports. The reports were submitted late to DEQ in April 2002. Staff review of the reports revealed that Honeywell had exceeded the dredging depth during the November dredging event and had exceeded the TSS concentration for the return flow during both dredging events. In addition to exceeding the TSS concentration, Honeywell violated the Permit by failing to cease dredging immediately and notify DEQ of the TSS exceedences as the Permit requires. A Notice of Violation was issued in June 2002, citing violations of the Permit for unauthorized impacts to state waters by exceeding the permitted depth; failure to cease work immediately and notify DEQ of the exceedence of the 30 mg/L of TSS of the dredge return flow; failure to submit the DO, TBT, TSS and metals sampling reports on time; and failure to submit the post-dredge survey reports on time. An Order was negotiated which required the payment of a \$12,000 civil charge.

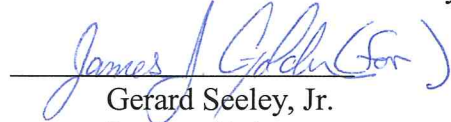
After the presentation, various Board members discussed concerns with Honeywell's failure to comply with permit conditions and the staff's assessment of the civil charge of \$12,000. James Golden explained the civil charge and how it was derived from the civil charge matrix used in enforcement for consistency. He then requested that the Board accept staff's recommendation to approve the Consent Special Order for Honeywell containing the \$12,000 civil charge. A Board member (Kay Slaughter) accepted the motion to approve the Order. Another Board member (Gary Baise) made a supplemental motion to raise the civil charge to \$20,000 and the motion to raise the civil charge was seconded (by Kay Slaughter). After considerable discussion about appropriate civil charge levels and consistency the Board voted on the motion to raise the civil charge to \$20,000. The motion to raise the civil charge failed by a vote of 4-3. The Board then voted to approve the staff's recommendation for a civil charge of \$12,000. The Board voted to approve the motion with no opposed votes.

Board Decision

Based on the staff presentation and recommendations, the Board voted to:

1. approve the Consent Special Order for :

Honeywell International Inc.
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.


Gerard Seeley, Jr.
Regional Director



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Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

Excerpt From the Proceedings of the
State Water Control Board Meeting on
March 28, 2003

Minute Number 12: Newport News Shipbuilding - Owner Requested VPDES Permit Modification Request

Final action by the Board was requested regarding a modification of the Newport News Shipbuilding Virginia Pollutant Discharge Elimination System (VPDES), Permit No. VA0004804. The permittee requested the modification to include alternative limits and monitoring frequencies for tributyltin (TBT) and revised language regulating activities at the shipyard regarding work on TBT coated vessel hulls. A public hearing was held January 7, 2003, to hear objections to this permit modification.

A presentation was made to the Board by Frank Daniel, Regional Director of the Tidewater Regional Office. The presentation consisted of information on the historical basis for the modification request, which was the result of discussion and negotiation involving DEQ, the shipyards and the Chesapeake Bay Foundation. The presentation listed rationale to dispute the concerns brought forth in the public hearing that the proposed modification would relax the TBT limitations in the previous permit in acquiescence to the shipyards, and that DEQ was making no effort to restrict the use of TBT or require a financial commitment from the shipyards to improve TBT treatment technology. Information was also presented to the Board from the staff comparing the small amount of TBT released into Hampton Roads from shipyard work to TBT released from regular ship traffic. Questions raised by Board concerned treatment technology requirements in the draft permit, TBT levels in Hampton Roads receiving streams and TBT impacts on biota.

Staff Recommendation:

The staff recommendation was to approve the modification to the Newport News Shipbuilding permit which included alternative limitations, monitoring requirements for tributyltin (TBT) and revised language addressing TBT work on vessels and issue the permit to Newport News Shipbuilding as modified.

Excerpt From the Proceedings of the
State Water Control Board Meeting on
March 28, 2003
Page 2

Board Action:

A motion was made to accept the staff recommendation. The motion passed with Ms.Slaughter in dissent.

A handwritten signature in cursive script that reads "Frank Daniel". The signature is written in dark ink and is positioned above a horizontal dashed line.

Frank Daniel



COMMONWEALTH of VIRGINIA

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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
www.deq.state.va.us

Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

Excerpt From the Proceedings of the
State Water Control Board Meeting on
March 28, 2003

Minute Number 13: Board Action in Support of the International Maritime Organization
Convention Banning The Use Tributyltin Containing Antifoulant Coatings on Vessel Hulls

Board Action:

In response to the discussion and Board action on the approval of the modification of the VPDES permit for Newport News Shipbuilding, a motion was made by Ms Wampler that the Board announce its support for the participation of the United States in the International Maritime Organization's convention prohibiting the use of TBT paints and other environmentally harmful substances in antifouling hull coatings. The motion was seconded and passed without dissent.

A handwritten signature in cursive script that reads "Frank Daniel".

Frank Daniel



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

Minute No. 14 – Future Meetings

The Board confirmed April 15, 2003 as the date of a special teleconference call meeting and June 19, 2003 as the date of their next regular meeting.


Cindy M. Berndt



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MINUTE NO. 15 – Cowpasture River Tier III Report

At its January 6, 2003 meeting the Board had directed staff to work with the Cowpasture River Preservation Association to explore the eligibility and possible boundary descriptions for an exceptional waters nomination for the Cowpasture River and to report back to the Board at the next meeting on the feasibility of such a designation. Jean Gregory advised the Board that staff met with the Association, local government officials, and riparian landowners on March 10 and that the Association had formed a committee to study several issues raised at the meeting before deciding whether to submit a petition for consideration at the fall or winter State Water Control Board meeting.


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Minute No. 16 – UST Regulation Amendment

Mr. James Barnett presented information to the Board regarding proposed amendments to the UST regulation and requested that the Board authorize DEQ to go to public comment on the amended regulation. Board members had no comments or questions and authorized DEQ to go to public comment on the amended regulation.



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Minute No. 17 – Aboveground Storage Tank Regulation Amendments

Mr. Sam Lillard briefed the Board on the proposed amendments to the Facility and Aboveground Storage Tank regulation. He informed the Board that the current regulation is the result of merging three previous regulations, Registration, Pollution Prevention, and the Oil Discharge Contingency Plan into 9 VAC 25-91-10 et seq., Facility and Aboveground Storage Tank Regulation, which became effective June 24, 1993. He explained that the regulation: (1) establishes requirements for registration for facilities and individual ASTs with a storage capacity greater than 660 gallons; (2) develops standards and procedures to prevent pollution from ASTs; and (3) provides requirements for the development of facility oil discharge contingency plans at facilities greater than 25,000 gallons capacity.

Mr. Lillard explained to the Board that the regulation is being amended to improve clarity and make the requirements more easily understandable by the regulated community. His overview of the amendments included: (1) the addition of definitions; (2) removal of registration fees; (3) removal of the term authorized representative throughout the regulation; (4) moving the requirement for temperature correction from daily inventory to the investigation section of the regulation; (5) replacing the National Fire Protection and the BOCA code with the Uniform Statewide Building Code; and (6) the addition of more variances by regulation.

Mr. Lillard informed the Board that during the public comment period DEQ received two comments. Based on these comments staff made revisions to the draft regulation. He provided the Board with a copy of the proposed regulation and an errata sheet to address changes proposed by the OAG.

Mr. Lillard requested that the Board authorize the DEQ to go to public comment on the amended regulation. The Board members voted unanimously to go to public comment on the amended regulation.


Cindy M. Berndt



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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
www.deq.state.va.us

Robert G. Burnley
Director
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1-800-592-5482


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MINUTE NO. 18 - Virginia Financial Responsibility Regulations for Mitigation Associated with Tidal Dredging Projects (9 VAC 25-770 et seq.)

The Board had been provided a draft of the proposed Financial Responsibility regulation prior to the board meeting. This regulation was originally adopted as an emergency regulation and is now being proposed as a final regulation to comply with the requirements of section 62.1-44.15 (5c) of the Code of Virginia, as mandated by the 2002 General Assembly. Ellen Gilinsky summarized the public participation process and the changes that were made to the emergency regulation for the board members and asked for their approval to take the final regulation to public comment.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to allow the department to take the proposed regulation (9 VAC 25-770-10 et seq.), as presented by the staff, to public comment.


Larry G. Lawson, P.E.
Director, Water Program Coordination



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Mailing address: P.O. Box 10009, Richmond, Virginia 23240

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www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

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MINUTE NO. 19 – Water Quality Standards Amendments for Triennial Review

Elleanore Daub of the Board's Office of Water Quality Programs summarized the amendments, public comments and response to public comments and responded to questions about the proposal from the Board. Staff also provided a page substitution for Attachment 3 of the Board memo. Attachment 3 contained the amendments to the regulation and this page replaced the proposed cadmium freshwater criteria with the existing (1997) cadmium criteria in 9 VAC 25-260-140. Board member Slaughter clarified that the Southern Environmental Law Center (SELC) did not comment on the rule even though the SELC was included on the list of acronyms used in Attachment 1 of the Board memo (Summary and Response to Public Comment)

Decision:

Based upon the information provided to the Board and the staff recommendation, the Board by a six to one vote (Slaughter voted nay):

1. Adopted the amendments to the Water Quality Standards at 9 VAC 25-260 and adopted the new Virginia Administrative Code for the Groundwater Standards at 9 VAC 25-280.


Larry G. Lawson, P.E., Director
Division of Water Program Coordination



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210
Mailing Address: P.O. Box 1688, Abingdon, Virginia 24212-1688
Fax: (276) 676-4899
www.deq.state.va.us

Robert G. Burnley
Director

Michael D. Overstreet
Regional Director
(276) 676-4800

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 25, 2003

MINUTE NO. 20 – Citizen's Hour Presentation

Ms. Angela Boyda of Washington County addressed the Board regarding her concerns that property adjacent to her home had been developed and in the process numerous local, state and federal environmental laws had been violated. Mike Overstreet offered the staff opinion that Ms. Boyda's concerns had been addressed by the Washington County Government, the Washington County Health Department, the Virginia Department of Conservation and Recreation, the Tennessee Valley Authority, the US Army Corps of Engineers, and the Virginia Department of Environmental Quality and that there were no unresolved issues with any of these agencies. After some discussion, during which the Board attempted to assist Ms. Boyda, the Board concluded that they had no regulatory oversight of her concerns and recommended that she seek legal counsel for furtur direction.

A handwritten signature in black ink, appearing to read "Michael D. Overstreet", with a long, sweeping horizontal line extending to the right.

Michael D. Overstreet
Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING
ON March 25, 2003**

MINUTE NO. 21 – Centerville Properties VWP Permit Issuance

Mr. Frank Daniel, Regional Director of the DEQ Tidewater Regional Office made the staff presentation regarding the proposed issuance of VWP Permit #00-1688 to Tri City Properties, L.L.C. Prior to this presentation, Ms. Kay Slaughter recused herself from participation in this case due to past comments she had submitted on the project as a representative of the Southern Environmental Law Center. Mr. Daniel's presentation was followed by an opening presentation by Mr. Robert McDonnald, counsel for the applicant. After a brief discussion and objection from Mr. McDonnald, Senator Mary M. Whipple was allowed to address the board relative to the intent of Virginia Wetlands Statutes and her concerns regarding the proposed project. Following these presentations, the Board received comments from numerous parties that had previously participated in the public hearing process. The Board also noted that three additional letters had been received from hearing participants that had not previously been entered into the record. After questioning staff, the applicant, and other speakers, the Board agreed to enter these written comments into the official record.

Staff Recommendation

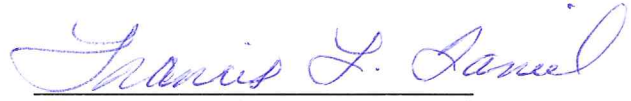
Staff recommended that the Board find:

- that the proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law, and will protect instream beneficial uses,
- that after considering cost, existing technology and logistics in light of the overall project purposes, the proposed permit has addressed avoidance and minimization of wetland impacts to the maximum extent practicable,
- that the effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to significant impairment of state waters or fish and wildlife resources,
- that compensation is sufficient to achieve no net loss of existing wetland acreage and functions.

Staff further recommended that the Board authorize issuance of the modified VWP Permit #00-1688 as presented in the Board briefing material.

Board Decision

Mr. Baise motioned that the Board defer decision of this permit until the June meeting of the State Water Control Board in order to provide staff an opportunity to review the additional information submitted into the record and answer other questions posed by the Board. The motion was seconded by Mr. Pfeiffer and was passed. Mr. Winger was opposed to the motion.



Francis L. Daniel
Tidewater Regional Director



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Secretary of Natural Resources

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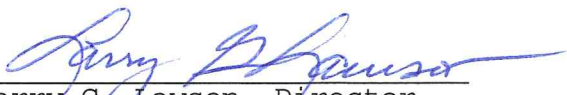
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MINUTE 22 - FY 2003 Supplemental Brownfield Remediation Loan Authorization

Mr. Walter Gills, Project Supervisor of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated March 6, 2003. Mr. Gills began by briefly summarizing the history of the Brownfield Remediation Loan Program. He explained that, in accordance with the program guidelines, the staff had recently undertaken a second application solicitation for FY 2003 and had received one new application for \$49,270 from the Town of Rocky Mount. He informed the Board that he had met with the Town, completed a review of the application, and determined the project to be eligible for funding.

Based on the briefing material, staff presentation, and the staff recommendation, the Board voted unanimously to:

Authorize a loan of \$49,270, at an interest rate and term pursuant to the program's guidelines, to the Town of Rocky Mount, contingent upon satisfactory credit analysis by the Virginia Resources Authority.


Larry G. Lawson, Director
Division of Water Program
Coordination



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Director

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Minute No. 23 – 2003 Legislation

The Board received a report from Ms. Kathy R. Frahm on legislation enacted by the General Assembly during the 2003 General Assembly Session.


Cindy M. Berndt